UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.36
2 October 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States Parties due in 1992*

Addendum

MAURITIUS

[25 July 1995]

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* The annexes referred to in the report are available for consultation in the secretariat.

GE.95-18870 (E)

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Introduction

1. This document constitutes the initial report submitted by the Republic of Mauritius as a State Party to the Convention on the Rights of the Child, in accordance with article 44.1 (a) of the Convention.

2. The report has been prepared by the Ministry of Women's Rights, Child Development and Family Welfare. It comprises the results of consultations with other ministries concerned as well as non-governmental organizations involved with the welfare of children in Mauritius.

I. GENERAL MEASURES OF IMPLEMENTATION

3. Following the accession of Mauritius to the Convention on the Rights of the Child in July 1990, several measures have been taken to harmonize national law and policy with the provisions of the Convention.

4. However, well before, a number of measures had been taken to ensure the development and welfare of children. Amongst these, primary and secondary education were made free since 1977, which implied that children from 5 to 18 have free access to education. Pre-primary education, i.e. from three to five is provided mainly by private organizations and local government but, gradually, the Government is setting up pre-primary schools within the complex of primary schools.

5. In the field of health, Mauritius has a good distribution of health-care services within easy reach of the population. In 1991, Mauritius had an infant mortality rate of 18.1, one of the lowest in the African region. Water supply for domestic use is generally safe in the island of Mauritius. Communicable diseases are essentially under control. Immunization against key infections has been provided since the 1960s, when vaccination against BCG, DPT, polio and smallpox was introduced. Full immunization coverage is currently 86 per cent for children and 72 per cent for pregnant women (tetanus toxoid).

6. In the early 1980s the adoption of Mauritian children by foreigners through intermediaries was a growing practice. To put an end to this practice, which it was suspected was not always in the interest of the adopted children, in 1987 the National Adoption Act was passed to set up a council to inquire into the applications for adoption of Mauritian children by foreigners. The Council screens all such applications before giving its veto. The Supreme Court is the ultimate authority to decide upon any case of adoption.

7. In 1991, the Government decided to give specific responsibilities with regard to child welfare, to the then Minister of Women's Rights and Family Welfare, so that the Ministry was renamed the Ministry of Women's Rights, Child Development and Family Welfare, with official responsibility for child development. Shortly afterwards the World Summit for Children was held in New York and the Government of Mauritius signed the Declaration of the World Summit for Children and adhered to the African Charter on the Rights and Welfare of the Child. In line with the commitment taken on the signature of the Declaration, a National Programme of Action for the Survival, Development

and Protection of Children, setting out the goals of the World Summit, has been prepared and is being implemented by the sectoral ministries concerned. In order for the appropriate measures being taken during the implementation of the Programme of Action to be effective, mobilization and channelling of human, technical and financial resources are required. Efforts have therefore to be geared towards the provision of relevant and adequate local and foreign resources.

8. The measures which are currently being taken and those envisaged for the enforcement of the rights of the child to development, survival and protection call for the adoption of a concerted, integrated and coordinated approach in which the governmental institutions, ministries, NGOs and donor agencies will be involved at different phases and processes, including the conceptualization, implementation, monitoring and evaluation of programmes for the welfare of children.

9. The Ministry observed that a number of non-governmental organizations were each working for the welfare of children, but there seemed to be no coordination whatsoever in their work. It was therefore decided to group all those organizations under an umbrella organization so as to have a more concerted action. The National Children's Council (NCC) was therefore set up under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare, by an Act of Parliament. In accordance with the National Children's Council Act 1990, the Council's objectives are:

(a) To coordinate the activities of organizations working towards the welfare of children;

(b) To identify actions and projects that will promote the welfare of children;

(c) To establish contacts with organizations engaged in similar activities in Mauritius and abroad;

(d) To advise the Minister on measures to combat all forms of child abuse, neglect and exploitation of children; and

(e) To promote the welfare of children generally.

The functions of the National Children's Council include also:

Studying methods of investigating cases of child abuse;

Planning and promoting ways and means of identifying children who appear to be in need of assistance on account of any mental or physical danger to which they appear to be exposed;

Bringing assistance to children exposed to danger, with due regard to the circumstances and the facilities available.

A copy of the Act is provided in annex III.

10. Having observed the increasing number of cases of child abuse reported to the Council, the NCC operates a counselling service whereby children victims of abuse, as well as their abusers, are offered counselling by psychologists and lawyers attached to the Council. The Ministry also requested the Commissioner of Police to set up in each district police station special arrangements for the reception of victims of abuse.

11. In 1993, a task force was set up for the elaboration of a strategic plan of action to combat child abuse. It has submitted its report and some of its recommendations have been put into practice. One of them relates to the holding of a survey on child abuse, which is already under way. The results of the survey will prove very useful in the elaboration of the proposed plan of action to combat child abuse.

12. In pursuance of the implementation of the Convention, the Child Protection Act (Act No. 30 of 1994) was enacted in November 1994 to make better provision for the protection of children against ill-treatment, neglect, abandonment, destitution or any other form of exposure to harm. A copy of the Act is provided in annex IV.

13. The Act empowers the Permanent Secretary of the Ministry of Women's Rights, Child Development and Family Welfare to enquire into suspected cases of child abuse, to refer to court cases where he has good cause to believe that a child is exposed to harm and to apply for an emergency protection order or even for a committal order to put the child in a place of safety. A Shelter for Women and Children in Distress Trust Fund is offering temporary shelter to women and children in distress. However such institutions are viewed inadequate and incentives in the form of subsidy are deemed necessary.

14. The Act also makes it an obligation on doctors, dentists or teachers to report suspected cases of child abuse. It provides for the prosecution of persons who are found guilty of physical or sexual abuse towards children, and for follow-up in cases of child abuse, child trafficking, mendicity, etc. It also empowers the Minister to make regulations for the control of foster homes and other institutions for the protection and welfare of children.

15. The Government is taking steps, in accordance with the provisions of the Child Protection Act, in order to devise complementary measures which are not embodied in the present National Children's Council Act. These relate to providing additional powers to officers of the Ministry of Women's Rights, Child Development and Family Welfare, and of the Police Department to act promptly in cases of child abuse since it was observed that the time lag was relatively long in removing children from their violent environment.

16. In 1993 legislation was enacted by the Ministry of Education and Science to make primary education compulsory following the publication of the Master Plan for Education whose objective was to review the educational sector and make a realistic projection of the educational needs of the country in the context of its social and economic realities. The Master Plan recommends a minimum of nine years of education for all children. By making primary education compulsory, the Government aims at ensuring that children leave the formal school system with a higher level of literacy and numeracy once the nine-year schooling system has been introduced.

17. The above gives a brief indication of measures taken to implement some of the provisions of the Convention by the enactment of legislation. Attention is, however, drawn to the fact that a treaty ratified by Mauritius does not automatically become part of national law. The provisions of the Convention on the Rights of the Child therefore have to be integrated individually into the national law. An international treaty such as the Convention on the Rights of the Child cannot be invoked per se before a court of law, but may be cited in court in support of a given argument.

II. DEFINITION OF "CHILD"

18. Under the Child Protection Act of 1994, a "child" means any unmarried person under the age of 18. However, that there are legal minimum ages established for various purposes, as follows:

(i) Under section 7 of the Labour Act of 1975, the employment of children under the age of 15 is prohibited. The same Act also gives protection to young persons (15-18 years) engaged in hazardous employment. There is no special provision for part-time employment measures in the Civil Code of Mauritius.

(ii) The legal age of marriage is 18 years for both boys and girls. A child aged less than 18 years but more than 16 years requires parental consent.

(iii) The age of consent for sexual intercourse is 16 under the Criminal Code and any person who has sexual intercourse with a female under the age of 16, even with her consent, is liable to imprisonment for a term not exceeding 10 years.

(iv) Under the Juvenile Offenders Act, "a juvenile offender" is generally considered to be a person below the age of 17. There are special provisions regarding offences committed by juveniles. The court proceedings take place in chambers and in the presence of a responsible party. The offender is liable to be sent to a reform institution, rehabilitation centre or probation hostel as decided by the magistrate. No child is however deprived of his liberty unlawfully or arbitrarily. No child is sentenced to capital punishment or life imprisonment.

(v) Under the Courts Act, a child under the age of nine is allowed to be a witness in court proceedings. However, the evidence of children is allowed if, in the opinion of the court, they understand the meaning of "tell the truth".

(vi) The Central Statistical Office of the Ministry of Economic Planning and Development, in consideration of the fact that many individuals remain in secondary education beyond 18, defines the child population as all individuals below the age of 20, as being the age limit to sit for the Higher School Certificate examination, for which students compete for State scholarships.

III. GENERAL PRINCIPLES

19. With respect to fundamental rights and freedoms, all Mauritian citizens are equal before the law. Discrimination based on religion, ethnicity, colour, caste, political opinion, disabilities, etc. is not permitted. A law to remove discrimination on the basis of sex will soon go to Parliament. The problem of discrimination is dealt with in section 16 of chapter 2 of the Constitution. Moreover, the Mauritian Constitution recognizes the best interest of the child as the primary guiding principle in family matters. All legislation is enacted in the best interest of the child.

20. The Child Protection Act affords protection to the child against abuse, neglect and ill-treatment and provides for heavy sanctions against those who abuse children. Section 4 of chapter 2 of the Constitution provides for the right of the individual to life. Special efforts are made by the Government to protect the child. A national programme of action for the survival, development and protection of children has been prepared to guide policy makers, planners and researchers, in their policies, strategies and projects. Illegitimate or natural children have the legal right to inherit their father's property and wealth.

21. In all court cases involving family matters, magistrates and judges take into consideration the best interest of the child before giving final judgement. The Mauritian Constitution guarantees the right of expression to all individuals and implies that the child can also express his view in all matters affecting him. In cases where children are involved in court, provision has been made in the Mauritian legislation to give the child legal assistance in the form of a lawyer to defend his interests in court, if the court so decides.

22. The Supreme Court can decide on guardianship and custody in the case of divorce or separation of the child's parents, or interfere with parental power if there is a danger to the child's life, health or morals. In that respect, in order to enable children to convey messages of danger, a hot line is available at the National Children's Council and another one in the Child Development Unit, during office hours (between 9 a.m and 4 p.m). After 4 p.m the Shelter for Women and Children in Distress receives all such calls and takes appropriate action. It has not been possible up to now for the Ministry to provide a 24-hour service in view of budgetary constraints, but it is considered essential to provide such a service. The hot-line telephone numbers have been given wide publicity so as to reach a maximum number of children.

IV. CIVIL RIGHTS AND FREEDOM

23. Chapter 2 of the Constitution of Mauritius protects the "fundamental rights and freedoms of the individual", namely:

(a) the right of the individual to life, security of the person and the protection of the law;

(b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and

(c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.

A. Name, nationality and identity

24. The Constitution of Mauritius states that every person born in Mauritius after 11 March 1968, shall become a citizen of Mauritius at the date of his birth.

25. A child should be registered within 45 days following his birth, thereby making him a citizen of Mauritius, fully entitled to the rights of a citizen. Moreover, under article 8.1 of the Civil Status Act, it is an offence for a child to be civilly declared under the name of any person other than his biological parent.

26. The Government has also made provision for late registration and the Civil Status Act provides that in cases of a child who has not been declared within a period of three months, the birth may be registered upon the order of the Registrar of Civil Status or a district magistrate. If registration has not been effected within three months, an enquiry will be made by the Attorney General's Office, which will then advise the district magistrate. In the latter case, a fee of up to US$ 28.54, as may be determined by the Magistrate, is payable by the individual requesting the registration.

27. Furthermore, the Child Protection Act (sect. 22 (4) (b)) empowers the Permanent Secretary to cause the registration of the birth of a child more than 45 days old who has not been registered and whose parents are unknown.

B. Freedom of expression

28. Freedom of expression is guaranteed by the Constitution which stipulates:

> "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference and freedom from interference with his correspondence."

These rights are, however, subject to certain restrictions under the law, with regard to respect for the rights or reputation of others and the protection of national security, public health or morality.

C. Access to appropriate information

29. The Mauritian child has access to information and material from a diversity of national and international sources. The audio-visual programmes of the Mauritius Broadcasting Corporation (MaBC) are received by the whole population. It ensures dissemination of local and international news and it encourages the exchange of cultural programmes. Through the MaBC, the population can also have access to international broadcasts.

30. A number of independent local newspapers publish national and international material in French, English and oriental languages. These newspapers obtain material from various international press agencies, such as Reuters and Agence France Presse.

31. All major international publications (magazines and newspapers) are readily available everywhere in Mauritius soon after their issue.

32. Various libraries ensure the appropriate dissemination of information in Mauritius by making various publications available to the public. Besides displaying newspapers and magazines, these libraries also provide children's books which are either produced locally or are imported. The Ministry of Education has launched recently a sensitization campaign to inculcate reading habits in children.

33. Provision has been made in the legislation for the protection of the child against information which may be harmful to his development. For example, the Child Protection Act prohibits children less than 12 years old from having access to video clubs, and from renting video tapes (other than educational or cultural ones) unless accompanied by an adult.

34. The mass media have particular regard for the different linguistic needs of the children. As Mauritius is a multi-racial country, publications are also available in some oriental languages, such as Hindi or Mandarin.

D. Freedom of thought, conscience and religion

35. The freedom of thought, conscience and religion of all citizens of Mauritius is protected under section 11 of Chapter 2 of the Constitution of Mauritius, which implies that the child enjoys such rights.

36. Freedom to manifest one's religion or belief is subject only to such limitations as prescribed by the law, mainly in the interest of public health and public morality, and for the purpose of protecting the rights and freedoms of other persons.

E. Freedom of association and peaceful assembly

37. The freedom of assembly and association of Mauritian citizens is protected under section 13 of chapter 2 of the Constitution. No restrictions are placed on the exercise of these rights except those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, public safety, public order, public health or morals, and the protection of the rights and freedoms of others.

F. Protection of Privacy

38. The Constitution of Mauritius also protects the privacy of Mauritian citizens. No person is subjected to arbitrary or unlawful "search of his person or his property or the entry by others on his premises". Moreover, it is illegal to interfere with the correspondence of any individual.

39. As regards protection afforded to children with respect to their honour and reputation, section 288 of the Criminal Code clearly stipulates that "any imputation or allegation of a fact, prejudicial to the honour, character or reputation of the person to whom such fact is imputed or alleged is a defamation."

G. Right not to be subjected to torture

40. Mauritian citizens have the right not to be subjected to torture or to inhuman or degrading punishment or other such treatment under chapter 2 of the Constitution. Neither capital punishment nor life imprisonment is imposed for offences committed by persons below the age of 18 years. Moreover, the Child Protection Act provides for the protection of children with respect to physical, psychological, emotional or moral injury, as well as sexual offences and sexual exploitation. It is worth noting that when sexual offences or exploitation are committed against mentally handicapped children, the penalties imposable are heavier.

41. The Mauritian law provides that capital punishment and life imprisonment shall not be meted out to children.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental responsibilities

42. The law in Mauritius recognizes the right of the parent to raise and educate his child according to his belief. Parental authority is shared by husband and wife. The child is under the responsibility of the parents or legal guardians until the age of 18, which is the age of majority.

43. Parents or legal guardians are to provide for the needs of their children. Parents have the duty to feed, clothe, shelter, protect and properly raise their children under article 23 of the Civil Code. Financial assistance is available under the Social Aid Scheme to parents who have difficulty in caring for their children owing to handicaps on the part of the children or to illness or separation on their own part. Parents in receipt of social aid from the State are entitled to financial assistance for the education of their children, for the purchase of books and for the payment of examination fees. According to the Child Protection Act, any parent who neglects or abandons a child commits an offence.

44. There are cases, however, of children who become unmanageable, that is, their parents find it extremely difficult to control them. They are grouped in the category "Child beyond control". This situation is most of the time the result of a very tense or bad relationship between the parents and the children due either to a lack of understanding between them or to the bad association of the children with peers. These children are brought to a juvenile court, which is a court where the magistrate sits in chambers and the public is not admitted, after they have either left the parental roof or committed larceny, or assault or any other offence.

45. In such cases, before taking a decision the magistrate in chambers asks the probation officer to submit a report after a social inquiry. Depending on the gravity of the offence, the magistrate may cause a child to be admitted to a probation hostel or a rehabilitation youth centre or to a correctional youth centre in the case of children above 17 years of age who commit offences. The period of stay will be specified by the magistrate, after which the children will be integrated back in their families.

46. On the other hand, provision has been made in the Child Protection Act to enable the court to remove children from the custody of parents who fail to fulfil their responsibilities towards them, and to place them in institutions/foster homes where they will find security. The problem, however, is that very few such institutions exist in Mauritius and the notion of foster homes is as yet very new. Provisions regulating foster homes are still being worked out and a scheme for the granting of financial assistance by the Government to foster parents is being envisaged. The Child Protection Act also provides for heavy penalties to be inflicted on parents who are found guilty of all forms of abuse against their children, including sexual abuse.

47. As regards article 18, paragraph 3, of the Convention, working mothers are entitled to 12 weeks' maternity leave with full pay under the Labour Act, for up to three pregnancies. Furthermore, they are allowed one hour each day for breastfeeding after they resume work following confinement. There are a limited number of day care centres which have been put up by Government in collaboration with NGOs and parastatal bodies, but there are privately owned day care centres whose prices are not within the reach of mothers drawing a salary of less than US$ 228.3 per month.

48. Moreover, these day care centres have not been the subject of control by any authority and the level of services sometimes leaves something to be desired. So as to assist them to offer better service to working mothers, the Ministry of Women's Rights, Child Development and Family Welfare, proposes to draw up regulations establishing norms which they will have to respect. Training courses for managers and personnel of day care centres are also being run to equip them better for their job.

49. With a view to helping women working in industries and in sugarcane fields with their household chores, parastatal bodies such as the Sugar Industry Labour Welfare Fund (SILWF) 1/ and the Export Processing Zone Labour Welfare Fund (EPZLWF) 2/ have developed schemes whereby soft loans for the purchase of kitchen equipment and other electrical appliances are given. This helps working women to devote some more time to their children, as flexi-time and part-time work have not yet been introduced either in the Civil Service or in the private sector.

B. Separation from parents

50. A child has the right to know and live with both parents. In cases of divorce, the court has the right to regulate the exercise of parental authority in the best interests of the children involved. The court will normally grant custody to one parent and the right of access and visits to the other.

1/ The SILWF is a parastatal body under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare. Its objective is to work for the welfare of workers in the sugar sector and their children.

2/ EPZLWF also a body corporate, under the aegis of the Ministry of Labour and Industrial Relations, caters for the welfare of workers on industrial estates.

51. When a juvenile offender is brought before a court on criminal charges, the law requires that the juvenile's parents or guardians be notified and summoned to attend the proceedings.

52. Where the mother of an infant is imprisoned, the infant is allowed to stay with the mother if he is below the age of four, after which he is either committed to an institution or given to an adoptive parent, with the mother's consent.

C. Family reunification

53. Every Mauritian citizen has the right to a passport and can move freely in Mauritius and to other countries, provided some basic requirements are met, namely the absence of sub judice cases regarding the prospective departee. This provision is also true for the child.

54. Restrictions can be made in the interest of sovereignty and integrity, national security, public order, decency or morality, and in cases of contempt of court, defamation or incitement to an offence.

D. Recovery of maintenance for the child and children deprived of a family environment

55. If, owing to compelling circumstances, a child has to leave his parents' home, most often relatives take care of him, in which case these relatives are helped financially by way of social security measures to provide for the needs of the child. If there is nobody to take care of the child, he is placed in an orphanage or institution.

56. A list of institutions receiving children in need of care and protection is provided in annex V. The Government, through the Ministry of Social Security and National Solidarity provides financial assistance to these institutions so that they may cater for the basic needs of the child till he reaches the age of 18. The problem of children beyond control has been dealt with in paragraphs 44 and 45 above.

E. Adoption

57. Abandoned children and orphans may be adopted by Mauritian citizens or foreign nationals. The main function of adoption is to provide for the care and welfare of the child within a family setting. There is no professional assessment and follow-up of adoptive parents in local adoptions.

58. The legal provisions governing adoption are contained in articles 343 to 375 of the Civil Act 37/1980. They are the following.

(i) L'Adoption simple

59. Under this provision, request for adoption of a child can be made by a single person if he or she is over the age of 30. If the person willing to adopt a child is married, the age criteria does not apply. The consent of the partner is essential. In Adoption simple, the adopted child takes on the name of the adoptive parents but the judge can decide that the adoptee be not named

after the adoptive parents. The links between the adoptive parents and the natural parents are not severed. Thus if adoptive parents are unable to care for the child satisfactorily, the natural parents are compelled to provide for the child. The adopted child has the same inheritance rights as the adoptive parents' children. Marriage between the adoptee and a member of the adoptive family is not permitted.

60. Adoption simple can be revoked either on demand of the adoptive or natural parents or of the adoptee himself, provided he or she is over the age of 15. In the case where the adoptee is below the age of 15, the natural parents or close relatives of the natural family can make a request for revocation.

(ii) Adoption plénière

61. Under this provision, the applicants should be married. The adoptive child takes on the name of the adopting family. The process of Adoption plénière extinguishes all links, rights and duties with the natural parents. The adoptee has the same inheritance rights as the adoptive parents' natural children. Article 365 states that those who can be adopted are legitimate children abandoned by their family, illegitimate children and orphans.

(iii) Legitimation par adoption

62. Under this category, the majority of applications made usually involve a step-parent, in most cases the stepfather, so that the child can take his name. The mother then relinquishes sole right over the child.

63. Whatever the type of adoption, the law requires that certain conditions be fulfilled in all cases. These conditions are:

(i) The adopting parents must be at least 15 years older than the adoptive child. However, if the adoptee is the natural child of one of the parents, then the age difference is reduced to 10 years. However, the judge can bypass these requirements if there is good reason for such action.

(ii) The child must consent to the adoption if he/she is over the age of 15.

64. All requests for adoption of Mauritian children by foreigners are channelled through the National Adoption Council. But if Mauritians settled overseas are making a request for adoption, they do not have to go through the National Adoption Council.

65. The National Adoption Council (NAC) was set up in 1987 and became operational in January 1988. The main purpose of setting up the Council was to combat an upsurge in "child trafficking". The NAC consists of 11 members. Its main objectives are:

(i) To inquire into all demands for the adoption of Mauritian citizens by non-citizens;

(ii) To advise the Minister on all matters relating to requests for adoption by non-citizens;

(iii) to coordinate with official overseas agencies concerned with the adoption and welfare of children.

A copy of the National Adoption Council Act is provided in annex VI.

66. The natural parents must give their consent to the adoption. If both parents are dead, or the child had not been declared, the judge can give consent after having consulted the guardians of the child.

67. If laws provide for a right to appeal in cases where adoptions are refused, such appeal should be made within one month.

68. In the period 1984-1987 there was an increase in the number of children being adopted by foreigners. No controls existed, which made it difficult to ensure that the child's best interests were protected both before and after adoption. The National Adoption Council was created to fill this gap.

69. Section 6, paragraph (3) of the NAC Act stipulates that upon receipt of a demand for adoption, the Council shall make enquiry and call for such information as may be required. In addition to interviewing the prospective adoptive applicants, the Council also asks the Probation and Aftercare Service to submit a report on the proposed adoption. The probation officer's reports usually highlight the natural parents' social and economic situation. The probation officer must also interview every individual who is a respondent to the application and must ensure that every consent to the making of the order is given freely and with full understanding of its nature. The report should provide an account of the role of the intermediary, that is the link person between the child, the natural parents and the prospective adoptive parents, how the intermediary came to know the child was to be adopted, and his/her contact with the foreign adoptive parents. The probation officer must enquire whether there has been financial motive or voluntary help behind the intervention of the intermediaries.

70. If the adoptive parents are in the country, the probation officer usually enquires about their attitudes and feelings regarding the adoption. Although the social enquiry usually provides all the necessary information on the adoptive applicants, the probation officer re-evaluates their interest and motivation.

71. Where applicable, the probation officer must ascertain whether the infant is able to understand the nature of the adoption order and if so, whether he/she wishes to be adopted by the applicants.

72. With a view to affording better protection to children who have been adopted by foreigners the Government provides for the deposit of a sum of US$ 1,141.58 at the time of application. Such deposit is refunded to the adoptive parents if the child adapts himself to his new environment. However, if problems arise and the child cannot stay in the foreign country, the sum deposited is used by the NAC to repatriate the child.

73. The NAC has carried out a comprehensive study on local adoption. One of the aspects of the study has centred on the possibility of having intercountry adoptions replaced by (local) foster parenting.

F. Abuse and neglect and periodic review of placement

74. The question of abuse and neglect of children has been dealt with extensively under the heading "Parental responsibilities". However it is worth noting that the Child Protection Act defines "harm" as including physical, psychological, emotional or moral injury, ill-treatment and impairment of health or development, and provides for enquiry by the Permanent Secretary of the Ministry of Women's Rights, Child Development and Family Welfare if it is suspected that a child is being exposed to harm. The Permanent Secretary may also request a court order for the removal of the child from the immediate environment of danger to a place of safety. Provision has also been made for any person who ill-treats a child to be liable, on conviction, to a fine not exceeding US$ 570.8 and to imprisonment for a maximum period of two years. Any person who abuses a child sexually is liable to a maximum fine of US$ 2,854 and five years' imprisonment. In the case of incest, which is considered a criminal offence, the penalty is eight years' imprisonment.

75. These provisions have been given wide publicity through the publication of pamphlets, and talks in schools have been organized to advise children how best to protect themselves. The Child Protection Unit based at the Ministry deals promptly with all cases of abuse and neglect reported and refers cases as appropriate to professional counsellors of the National Children's Council. The Child Development Unit also ensures follow-up action in cases:

(i) Where children have been reintegrated in their family after temporary removal;

(ii) Where counselling has been provided to the parents or guardians after detection of cases of abuse;.

(iii) Where children are in an environment which may be dangerous.

76. As regards periodic review of placement, officers of the Child Development Unit ensure follow-up of all children whether they have been placed in institutions, or with relatives.

77. The total number of children in the country (as at 1 July 1993) is 380,656. The following observations have been made: the number of neglected children taken into protective custody - 962; the number of children placed in foster care - 5; the number of children placed in institutional care - 154; the number of children entering the country through intercountry adoption 18 (from passport office) and the number of children leaving the country through intercountry adoption - 78.

Child population in Mauritius (July 1992)

Age group/yrs	Male	Female	Both sexes
1 - 4	11 218	10 624	21 842
5 - 9	40 633	39 419	80 052
10 - 14	56 101	54 796	110 897
15 - 17	30 572	29 857	60 429

VI. BASIC HEALTH AND WELFARE

78. In relation to article 24 of the Convention on the Rights of the Child, great improvements have been made in health care services over the years. Primary health care is provided free of charge through a wide network of 26 area health centres, 105 community health centres and 16 family health points. There are four hospitals at the district level which provide specialized services outside the urban areas. In 1990, there were three hospital beds per 1,000 people, one doctor per 1,150 people, one dentist per 7,806 people, one pharmacist per 8,605 people. Yet of all member countries of the Organization of African Unity, Mauritius has the lowest maternal mortality rate at 0.7 per thousand, the second lowest infant mortality rate at 18.1 per thousand and by far the lowest fertility rates (2.25 per thousand). The State's massive investments in health and education has brought about an enhancement of life for Mauritians which has placed the country 56th in the UNDP Human Development Index, putting it at the top of the "medium human development" countries with its HDI of 0.793. Mauritius has an immunization coverage of around 90 per cent.

Table 1. Infant mortality, maternal mortality and total fertility rates, 1980-1991

Year	Infant mortality rate	Maternal mortality rate	Total fertility rate a/
1980	32.3	2.4	2.63
1982	29.4	1.7	2.39
1984	23.1	1.0	2.11
1986	26.3	1.3	1.94
1988	22.0	1.0	2.03
1990	19.9	0.7	2.25
1991	18.1	-	-

Source: Health Statistics, Ministry of Health, 1990.

a/ Total fertility rate per 1,000 mid-year population.

Table 2. Life expectancy at birth

Sex	1951-1953	1961-1963	1971-1973	1986-1988
Male	49.8	58.7	60.8	64.7
Female	52.3	61.9	65.9	72.2

79. In implementation of article 24 of the Convention, in order to diminish infant and child mortality and to ensure prenatal and postnatal care for mothers, the Government has drawn up the National Plan of Action for the Survival, Development and Protection of Children, in which major goals have been elaborated for the survival and development of the child (excerpts of the Plan are provided in annex VII). With its objective of reducing infant and child mortality rates by at least one third by the year 2000, (by which time Mauritius expects to have achieved an infant mortality rate of 12 and child mortality rate of at the most 19), the Government recognizes the need for strengthening intersectoral cooperation with special focus on improving prevention through total access to clean water supply and adequate sanitation facilities, promoting proper nutrition, increasing immunization coverage against the major infectious diseases, promoting exclusive breast-feeding for three months for 80 per cent of infants and prolonged breast-feeding for a further nine months for 40 per cent of infants, preventing and controlling local and endemic diseases and providing health education.

80. Weaknesses have been observed, with lack a of:

(i) Screening of new-born babies for detection of diseases and disabilities;

(ii) Inspection of food provided by school canteens; and

(iii) An appropriate healthcard system which would allow the medical follow-up of a child up to the age of 18 with special mentions for children at risk.

81. Breast-feeding is not very popular in Mauritius, especially in urban areas and in families where mothers work outside the home. When mothers do breast-feed, they tend to do it for a relatively short period. The reasons for this state of things may be:

Lack of knowledge concerning breast-feeding;

Commercial promotion of infant formula;

Lack of support for working mothers;

Insufficient participation and support of the husband;

Insufficient time and physical stress on mothers employed outside the home; and

Bad budgeting and wrong priorities.

82. The Government and the private sector endorse World Health Organization policy regarding breast-feeding; government policy is that milk formula should not be used.

83. In view of increasing awareness of the benefits of breast-feeding, three main baby-friendly hospitals have been set up under the aegis of the Ministry of Health. The interaction between the medical and paramedical personnel and new mothers regarding advice on how to attend to their babies, especially on breast-feeding, is helping considerably towards improving the situation.

84. The Government, in collaboration with NGOs is currently working on an intensive IEC (information, education and communication) programme to encourage mothers to breast-feed for at least nine months. The Government is providing a grant to an NGO, the Mauritius Association for Promotion of Breastfeeding Infants (MAPBIN), for carrying out its IEC programmes.

85. Women workers are entitled to three months' (12 weeks') maternity leave. Further, the Labour Act makes provision for working mothers who have resumed work after maternity leave to have one hour off work every day to breast-feed their babies. However owing to lack of day-care facilities close to work points, many working mothers cannot avail themselves of this facility.

86. In Mauritius a high percentage of pregnant women (about 95 per cent) seek antenatal care and most deliveries (96.5 per cent) take place in hospitals and in private clinics. The utilization of postnatal care facilities is also quite high. On average, two postnatal visits are made by women after delivery. In the course of these visits, they are examined medically and given advice on family planning.

87. The family planning programme was started in Mauritius by two NGOs, the Mauritius Family Planning Association and Action Familiale. In 1972 a family planning programme was integrated into the Maternal and Child Care Division of the Ministry of Health. Both the Government and NGOs have been very active in the field and this has contributed to the decline of the fertility rate and to a better control of their fertility by women in general. It is to be noted that the population growth rate has declined from 3.1 per cent in 1962 to 0.8 per cent in 1990.

Disabled Children

88. To date there are no exact figures concerning the number of physically, mentally and sensory handicapped children as there is no early detection, no systematic screening and no diagnostic centre. The capacity of services run by NGOs is insufficient compared to the actual needs in detection and diagnosis, and the care and intake of handicapped persons. A lot has already been achieved over the years but there is still much more to be done.

89. The Ministry is now proposing to carry out a national survey on the disabled child, taking into account the various types of handicaps. The survey would consider, inter alia, the care facilities available to disabled children, as well as the resources made available to attend to the problems.

90. Handicapped children are provided assistance by NGOs which, under the Social Aid Act, are partly subsidized by the Government.

91. In spite of the legislation making primary education compulsory, no child with a learning disability is accepted in a normal primary school. However, there are at present six primary schools mainly for children with special disabilities. Figures concerning the number of cases taken on charge in special schools are provided in annex VIII.

92. There are no permanent homes, apart from a few religious institutions, which can take in only a few young handicapped among their elderly residents.

93. In Mauritius, there is no social insurance scheme, though there are social security benefits. There are two pension allowances:

(i) Above 15 years:

Invalidity pension of US$ 36 monthly

In addition, a carer's allowance of US$ 30 monthly for the severely handicapped.

(ii) Under 15 years:

For very severely handicapped children a pension is allocated according to the family situation.

94. Disabled children are examined by a medical board falling under the aegis of the Ministry of Social Security, which advises on the quantum of allowances to be given. The National Centre for the Rehabilitation of the Disabled (NCRD) is an advisory body functioning under the umbrella of the Ministry of Social Security. The members include NGOs as well as representatives from the Ministries concerned. Its objectives are to attend to all questions concerning the various handicaps and to advise the Government thereupon. Among the functions of the NCRD are the following:

(i) It has an advisory role in matters relating to disability; thus, it advises the Government on policy issues regarding disability;

(ii) It serves as a clearing house for organizations applying for import duty concessions and other facilities to the Government and intervenes with other Ministries and Departments concerned with a view to promoting the welfare of disabled persons;

(iii) It carries out regular information campaigns to educate the public at large about the issue of disability;

(iv) It assists NGOs in such areas as funding and training;

(v) It organizes regularly a number of activities such as seminars and sports competitions.

95. The Ministry of Health has started a Community Based Rehabilitation programme (CBR) on a pilot basis in one of the regions of the island.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

96. In Mauritius, primary and secondary education are free. A child usually joins pre-primary school at the age of three, primary school, which is compulsory, at the age of five where he stays for six years before joining a secondary school. A child is allowed to stay in secondary school till the age of 19, when he either moves to tertiary education or enters the world of work. In order to take appropriate measures in the education sector, a Master Plan for Education (excerpts of which are contained in annex IX) has been drawn up with assistance from United Nations agencies and is being implemented.

1. Pre-primary education

97. There are some 35,000 children of pre-primary school age. Of these, the great majority attend a pre-primary school. There are about 1,400 pre-primary schools, most of which are privately run, but the Government runs some 119 pre-primary classes in government primary schools.

98. Government inputs into the pre-primary sector have been increasing over the years, with a pre-primary unit established at the Ministry of Education and Science. The aim of the Ministry is to encourage all children of pre-primary school age to attend pre-primary schools in suitable buildings with trained teachers, adequate playing space and appropriate teaching materials. There are at present nine regional training centres for the training of pre-primary teachers and a Pre-School Trust Fund to mobilize resources and help with staff recruitment and the purchase of equipment. The Government is providing loans on concessionary terms to pre-primary schools wishing to improve conditions, and a certificate in education course is being run for pre-school teacher educators.

99. Within the coming three years the following actions are envisaged by the Ministry of Education:

(a) A detailed survey will be undertaken of all pre-primary schools, to identify suitability of infrastructure, assets and deficiencies, the problems encountered, and the quality of teaching and learning;

(b) An investigation will be undertaken into the reasons why certain children do not attend pre-primary schools, in order to suggest appropriate measures for increasing levels of enrolment;

(c) Systematic data on pre-primary schools will be made available;

(d) Guidelines will be drawn up by the National Centre for Curriculum, Research and Development for all pre-primary schools. These will include both content and teaching strategies.

2. Primary education

100. Article 28 urges States parties to make primary education compulsory and available free to all. In Mauritius, primary education is free and has become compulsory with the promulgation of compulsory education (Act 10 of 1991). The objectives of primary education are:

(a) To provide a grounding in basic skills such as reading, writing and numeration, and help to produce the linguistic capacity needed in a multilingual society;

(b) To encourage the child to observe, to think and to develop a sense of autonomy;

(c) To enable the child to develop values and attitudes relevant to the society in which he is growing up;

(d) To make him aware of his cultural roots, and give him some appreciation of cultures other than his own, and thus to contribute towards nation building;

(e) To help the child to develop his potential to the full;

(f) To develop a knowledge of healthy living and an appreciation of the natural environment.

101. Below are some items of information on primary education in Mauritius:

Island of Mauritius: 278 schools: 223 Government; 46 Roman Catholic Education Authority (RCEA); 2 Hindu Education Authority.

Rodrigues: 11 schools: 6 Government; 5 RCEA.

Enrolment rate 98 per cent, including Rodrigues (Rodrigues: 85.5 per cent).

Total number of pupils: Island of Mauritius: 131,200; Rodrigues: 6,300.

Languages of instruction: English, French.

Languages of assessment: English.

Seven Asian languages are taught in primary schools: Hindi, Urdu, Arabic, Tamil, Telegu, Marathi, Mandarin.

Total percentage of pupils studying any one of these languages in the Island of Mauritius: 68 per cent.

Pupil/teacher ratio: Island of Mauritius 1/30; Island of Rodrigues 1/28.

Source: Economic Indicators: Occasional Paper, Issue No. 177. 3 December 1993. MEPD.

102. There are 289 primary schools in Mauritius and most children have access to a primary school within two km of their home. The primary cycle lasts six years from standard I to standard VI. Until standard VI, promotion is automatic. At the end of standard VI all children sit for the Certificate of Primary Education (CPE) set by the Mauritius Examinations Syndicate.

103. Out of around 30,000 students reaching standard VI, 40 per cent fail the CPE at their first attempt and 25 per cent after one year of repetition. Of the 13,000 approximately who leave the primary school cycle without having obtained their CPE certificate, only about 4,000 (those with the highest scores) are admitted to vocational training. It is estimated that about 6 per cent (about 1,800) of primary school children leave the education system virtually illiterate and 20 per cent (about 2,500) functionally illiterate. The CPE pass rate in 1993 was 57 per cent. Of these only 4,500 approximately are certain of being admitted to a good level secondary school.

104. The CPE thus determines all future educational chances of Mauritian children and to a great extent their socio-economic opportunities. Parents are all too aware of this situation, and together with the teachers from the first years of the primary cycle, impress upon the children the long-term implications of performance in their first years of schooling. At standards V and VI, that is as from eight years of age, the big push to cramming for the CPE begins. The combination of pressure from parents, the stress of being segregated into ability streams at the early age of eight to nine, the physical and mental strain of sustaining long hard hours at school and at private tuition put too great a burden on children at this early stage of their development. Such is the pressure and effort involved in passing the CPE that in several cases it burns out the learning momentum of the children.

105. These concerns are being addressed in the Master Plan for Education. Two major proposals are made therein:

To extend the primary school cycle to nine years, thereby eliminating the "waiting period" from 12 to 15 years during which those who leave the system cannot aspire to become apprentices;

To ban private tuition up to standard III, thereby alleviating stress on younger children.

106. The Education Act was amended in April 1991 so as to ban private tuition for children in standards I to III.

107. School discipline is maintained in line with article 28.2 of the Convention, and meets the approval of parents. However, cases of child abuse at school have been reported to the National Children's Council. In each case, investigations are carried out. Pupils receive further protection now through section 13 of the Child Protection Act, dealing with ill-treatment.

108. Although the primary education system has many merits, some weaknesses have been identified. These are:

(a) The schools, and especially the higher standards, are excessively geared to success in the CPE. Thus many of the functions which the school should perform take second place, and there is frequently a tendency for non-examinable subjects to be squeezed out of the curriculum. There is strong pressure on children - especially in standards V and VI - to take private tuition.

(b) There is a wide gap between the highest and lowest achieving schools in terms of success in the CPE. Thus in 1990, 52 schools had pass rates in the CPE of 70 per cent or more, while 15 schools had pass rates of less than 30 per cent. There is a "hard core" of schools which normally obtain poor results.

(c) The CPE selects children for entry into secondary schools and allocates them between the more and less popular colleges. But it is an inadequate indication of the child's abilities.

(d) The curriculum is excessively rigid, and makes insufficient allowance for children of different abilities.

(e) The combination of automatic promotion with a lack of remedial assistance for slow learners means that children who fall behind are likely to remain behind.

(f) There are deficiencies in the provision of support services, teaching aids and equipment. Standards of maintenance are generally unsatisfactory. There is no programme for the regular maintenance and repair of school buildings, furniture and equipment; thus repairs and maintenance are frequently delayed.

(g) There has in the past been insufficient provision for in-service training for teachers.

(h) In some schools, there is a high rate of absenteeism among pupils and teaching staff.

109. Remedial action is being taken by the Ministry of Education in order:

(a) To raise average standards and reduce disparities as between high and low achieving schools.

(b) To allow for a more relevant and flexible curriculum to be adapted to meet the different needs of different children.

(c) To improve the qualifications and professionalism of the teaching force.

(d) To bring parents and the community in general into closer contact with the work of the schools.

(e) To ensure that the schools are suitably constructed and equipped for effective learning.

(f) To upgrade the existing facilities in schools in order to meet current requirements.

(g) To ensure that all schools, where possible, have adequate sports and recreational facilities.

(h) To establish an effective system of maintenance and repairs of plant and equipment in Government schools, and to ensure that repairs are done in good time.

(i) To ensure the effective management of schools.

3. Secondary level

110. The secondary education cycle in Mauritius lasts seven years (forms I to VI). The School Certificate Examination takes place after five years of schooling and the Higher School Certificate examination is at the end of the cycle. In 1992 there were 120 secondary schools: 23 state schools and 97 private schools, of which 12 were confessional schools. The success rate is the highest in state schools, followed by confessional schools. But the majority of private schools have a less than 50 per cent pass rate. Private, non-confessional schools have in general fewer resources and qualified staff, as well as higher pupil/teacher ratios. The best schools are located in urban areas.

111. The enrolment rate in 1992 was 50 per cent. The School Certificate pass rate was 66 per cent for girls and 61 per cent for boys, and Higher School Certificate pass rate was 54 per cent for boys and 53 per cent for girls. The drop out and repetition rates are high. Only 15 per cent of students in secondary schools reach the required academic level to proceed to further studies. Remedial teaching facilities are scarce and students receive inadequate information and guidance about their study choices and prospects. The long-term aim of the Government is that all children should receive a secondary education of high quality, easily accessible to all students, and be provided with courses which suit their aptitudes and abilities. The objectives of secondary education are viewed as follows:

(a) To complete the process of basic education which is started in primary school.

(b) To provide the general basis for training in specific skills.

(c) To prepare pupils for obtaining the qualifications needed for entry into higher education - both locally and abroad.

(d) To help identify the aptitudes of individual students, and guide them towards appropriate studies.

(e) To help inculcate in students, values and attitudes conducive to a better understanding of our plural society, and the need for healthy living.

112. Although Mauritius has some excellent schools in both the state and non-governmental sectors, and the overall pass rates in both the School Certificate and Higher School Certificate compare favourably with corresponding rates in industrialized countries, it has been observed that the rates of repetition and drop-out are high. The number of students opting to study scientific and technical subjects - considered to be essential if Mauritius is to move successfully to the next stage of industrialization - is decreasing. The Ministry of Education and Science is looking into ways and

means of reducing the proportion of drop-outs and strengthening the teaching of science and technical subjects, while ensuring a proper balance with the teaching of humanities and the arts.

4. Tertiary education

113. The tertiary sector in Mauritius is built around the University of Mauritius and other institutions like the Mauritius Institute of Education, the Mauritius Institute of Health, the Mahatma Gandhi Institute and the Mauritius Sugar Industry Research Institute, and is not being dealt with here since it involves persons above the age of 18.

5. Vocational level

114. Since 1989 when the Industrial and Vocational Training Board (IVTB) was established, the vocational and training infrastructure of the country has undergone rapid development. The mission of the IVTB is to provide quality and value training at all levels in such fields as agriculture, beauty care and hairdressing, engineering, hotel management and tourism, information technology, management, office skills, textiles, electronics, furniture, footwear and leathercraft and jewellery.

115. The IVTB operates 11 pre-vocational training centres in various regions of the country, including Rodrigues. More than 3,000 pupils (boys and girls) in the 12-15 age group, mostly those who had rather poor results in the Certificate in Primary Exams at the end of the primary cycle are at present following courses in these schools. Courses for the boys include mechanics, woodwork, electricity, metal work, agriculture and for the girls, home economics, cooking and sewing.

116. The IVTB also offers an apprenticeship scheme whereby 15-year-old apprentices are posted in private firms under contractual agreements with employers.

117. Moreover, the IVTB possesses 12 technical training centres (including one in Rodrigues) for young people having passed the examinations at the end of the secondary cycle, where training is dispensed in such subjects as garment making, electricity/electronics, jewellery making.

118. The IVTB also offers distance training facilities in such subjects as information technology and automotive mechanics.

119. Other, private, organizations which have a direct role in the vocational training system include the handicraft centres and the Technical Schools.

B. Leisure, Recreation and Cultural Activities

120. It is government policy to promote and provide leisure and cultural activities for all age groups, including children. The Government has created specific ministries to cater for leisure and culture, namely, the Ministry of Sports and Leisure and the Ministry of Arts, Culture and Youth Development. The Ministry of Women's Rights, Child Development and Family Welfare works in close collaboration with the two above-named Ministries in promoting leisure

throughout the island. Moreover, it has developed programmes to encourage young children to indulge in creativity activities, with a view to identifying their hidden creative talents. The Ministry has obtained UNICEF assistance to organize creativity activities for children with the professional support of two consultants from India. Under the guidance of these experts, training has been dispensed to the staff of the Ministry in organizing creativity activities to encourage children to give free expression to their imagination through music, crafts, drama, etc.

121. The Ministry organizes creativity activities for children during the school holidays in its network of social welfare centres and women's centres, all over the island.

122. The Ministry plans to construct creativity centres in some focal points in the country where the appropriate infrastructure and equipment as well as expert guidance will be provided to children to encourage them to indulge in creativity activities.

123. In addition, the Ministry of Arts, Culture and Youth Development has put up programmes of activities including music and art competitions and other cultural activities. Similar activities are also organized by schools, by NGOs, and by some independent cultural centres, namely, the Islamic Cultural Centre, the Chinese Cultural Centre, the African Cultural Centre, the Indira Gandhi Cultural Centre, the "Centre Culturel Charles Baudelaire" and the "Conservatoire François Mitterand".

124. The Ministry of Sports and Leisure also caters for the needs of young persons. Several sports activities are regularly held at the regional, municipal, national and international levels. Sports federations regularly organize sports competitions for children in the age group 12-15. Each year intercollege games (Jeux Intercollèges) are organized with the participation of all secondary schools of Mauritius. Various sports complexes have been set up by the Ministry to provide young persons with the opportunity to develop their potential. Stadiums, sports halls, sport training centres and swimming complexes are at the disposal of children. The Ministry has also set up several youth centres in different regions of the island. Children have the opportunity to participate in sports under the supervision of professionals. The Ministry also organizes special activities twice a year for students during school vacations. These activities allow the students to discover places of interest. Various youth awards are promoted, such as the National Youth Award Scheme. The running of a programme of swimming instruction ("Ecole de natation" by the Ministry of Sports and Leisure for children in the 6-10 age group at three swimming pools in the country is also worth mentioning. Moreover, physical education has been integrated into the school curricula. In spite of the fact that Mauritius is richly endowed with natural resorts, leisure and holiday centres are largely inexistent.

125. There is need to provide additional mobile libraries with school books, other books, magazines and local and foreign newspapers.

VIII. SPECIAL PROTECTION MEASURES

A. Children in armed conflicts

126. Mauritius, not having been directly involved in any armed conflict, has not had occasion to apply articles 38 and 39 of the Convention, although it abides by these provisions.

B. Refugee children

127. Mauritius expressed a reservation on article 22 of the Convention at the time of signature, as it was then thought that acceptance of granting refugee status might open the door to a large number of refugees. Subsequently, Mauritius adhered to the African Charter on the Rights and Welfare of the Child and made no reservations on refugee children. For the sake of consistency, the Government of Mauritius agreed to withdraw the reservation made in respect of article 22 of the Convention.

C. Children in conflict with the law

128. All citizens of Mauritius have the right to a fair trial under the Constitution. The Juvenile Offenders' Act (annex X) was enacted in 1935 to deal particularly with cases of "juveniles" who are in conflict with the law. Under this Act, a "juvenile" is described as a person who is under the age of 17. Action is being contemplated to bring the age stipulated in the Juvenile Offenders Act into line with the Child Protection Act.

129. Before providing additional information on the Juvenile Offenders Act, it is worthwhile pointing out that there are various forms of institutional placements, although these have been mentioned in the previous chapters. These are the Probation Hostel for Boys and the Probation Home for Girls, the Rehabilitation Youth Centre and the Correctional Youth Centre. As explained earlier, young persons aged 11 and over who have committed offences for which the punishment is imprisonment are sent to the Correctional Youth Centre, whereas the Rehabilitation Youth Centre is for juvenile offenders ordered by the court for a longer period of detention, in view of the nature of the offence, for rehabilitation purposes. The fact that there is only one each of these institutions covering the whole of Mauritius, and that none is stretched beyond capacity, is a positive feature. The following table shows the number of children admitted to these institutions during the past three years:

	1992	1993	1994
Probation Hostel for boys	9	18	16
Probation Home for girls	6	10	15
Rehabilitation	boys: 20 convicted	boys: 7 convicted	boys: 13 convicted
Youth Centre (boys and girls)	62 remanded	56 remanded	45 remanded
	girls: 7 convicted	girls: 10 convicted	girls: 14 convicted
	23 remanded	27 remanded	32 remanded
Correctional	29 convicted	27 convicted	16 convicted
Youth Centre (boys)	33 remanded	31 remanded	24 remanded

Note: Convicted means that the child has already been judged in court, whereas remanded means that the child is still awaiting judgement.

130. Section 3 of the Juvenile Offenders Act makes provision for the administration of juvenile justice by setting up juvenile courts. It stipulates that "District Courts sitting for the purpose of hearing any charge against a juvenile or of exercising any other jurisdiction conferred on juvenile courts by or under this Act or any other enactment shall be known as juvenile courts."

131. The magistrate sitting in a juvenile court and before whom a juvenile offence is brought (offences other than plotting against the sovereign, high treason, mutiny, murder, manslaughter, infanticide, assault with aggravating circumstances and assault with premeditation) will hear, try and determine the charge, whatever the minimum punishment under this Act, convict the juvenile offender and impose on him penalties not exceeding the maximum penalties. The court proceedings take place in chambers and in the presence of a responsible party.

132. Provision is also made in this Act to inform a juvenile offender promptly and directly of the charges against him. Section 11 stipulates that "where a juvenile is brought before a juvenile court for an offence, the court shall as soon as possible explain to him in simple language the substance of the alleged offence."

133. After explaining the substance of the alleged offence, the court asks the juvenile whether he admits the offence. Where he does not admit the offence, the juvenile has the right to a fair hearing, although he is not given legal assistance. The court hears the evidence of witnesses and the juvenile is allowed to make statements, to give evidence and to put questions to witnesses. If the juvenile admits the offence, or if he is found guilty, the court collects such information about his general conduct, his home surroundings, his school record and medical history as may enable it to deal with the case "in his best interests", before deciding how to deal with him.

134. The Juvenile Offenders Act entitles the juvenile offender to have his privacy respected at all stages of the proceedings. Section 7 provides restriction on newspaper reports whereby the name, address, school or other particulars of the juvenile cannot be revealed.

135. Special arrangements are made to prevent a juvenile, while detained in a police station prior to trial, from associating with an adult who is charged with an offence. The law also ensures that a girl is under the care of a woman warden.

136. No charge against a juvenile is heard by a court which is not a juvenile court.

137. The Juvenile Offenders Act provides a number of alternatives to imprisonment for convicted juveniles. Where a juvenile is charged with an offence, the court can choose to:

(a) Discharge the offender;

(b) Send the offender to an industrial school;

(c) Order the offender to pay a fine, damages or costs; if he is in employment in cash or if not, otherwise;

(d) Order the parent or guardian of the offender to pay a fine, damages or costs;

(e) Order the parent or guardian of the offender to give security for his good behaviour;

(f) Commit the offender to custody in a place of detention provided under this Act;

(g) Where the offender is a young person, sentence him to imprisonment; or

(h) Deal with the case in any other manner in which it may be legally dealt with.

138. If the court decides to send the offender to an industrial school, the period of detention must not be less than three years and must not exceed five years. Where the offender is over 13, the maximum period of detention in an industrial school must not exceed that which might elapse between the date of conviction and that on which he attains the age of 18.

139. Section 15 of the Juvenile Offenders Act makes provision for restriction on the punishment of juveniles:

> "(1) A child shall not be ordered to be imprisoned or sentenced to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages or costs.
>
> "(2) A young person shall not be sentenced to penal servitude for any offence."

140. The Act also provides that sentence of death shall not be pronounced on a person convicted of an offence committed when he was under the age of 18.

141. When a juvenile is convicted of an attempt at or complicity in murder, manslaughter, or of wounds and blows causing death, the court may sentence him to be detained for such period as may be specified in the sentence.

142. When a juvenile is convicted of an offence which should be punishable by penal servitude, or where he should be imprisoned in default of payment of a fine, damages or costs, he is committed to custody in a place of detention instead of being imprisoned.

143. Under the Criminal Code Act, an accused person who is under 14 and who has acted without discernment shall be acquitted, but handed to his parents or placed in a reformatory institution. If the offender has acted with discernment, he is to be condemned to imprisonment in a reformatory institution.

144. The table below shows the number of probation orders made in relation to juveniles (both males and females) from 1991 to 1993.

Year	Males	Females	Total
1991	129	21	150
1992	134	11	145
1993	212	18	230

The ratio of male juvenile offenders to female juvenile offenders is 11:1. The majority of offences commited by juveniles are related to theft (95 per cent). The bulk of juvenile offenders (80 per cent) are aged between 14 and 16.

Physical and psychological recovery and social integration

145. The Probation and Aftercare Service (which falls under the aegis of the Ministry for Reforms Institutions) attempts to rehabilitate juvenile delinquents in the open, through the medium of casework directed towards enhancing the personal and social functioning of the offender and his family. It is mostly concerned with "problem solving and with improving opportunities for development; with the prevention of social distress and with improving the quality of life. Probation cases whose treatment in the open are not possible owing to unconducive home environment are channelled to the Probation Hostel for Boys or the Probation Home for Girls. The Service is also embarking on preventive work through talks and lectures to the most vulnerable groups and also through counselling families in distress.

146. A girl child who is found to be "beyond control" by the Court is at present referred to a probation home for girls where she is engaged in productive activities to develop skills so as to help her to reintegrate into society. However, it has been noted that there is need to develop a monitoring mechanism and to provide adequate means for the probation officers to monitor the girl child continuously even during home leave, so that she does not become prey to social evils.

147. A Child Abuse Unit of the National Children's Council has been set up at one of the regional hospitals in the capital to diagnose, treat and care for children victims of neglect and abuse so that they may effect a physical and a psychological recovery in a good environment. Three additional units will be set up on a regional basis during the period 1995-1996. It is noted that in Mauritius, since the problem is a relatively new phenomenon, there is a dearth of trained personnel in this specific field.

148. Medical practitioners in both the public and private sectors, para-medical staff, teachers and social workers still need to be trained to identify cases of abuse among children. IEC (information, education and communication) and sensitization campaigns are conducted so as to create greater awareness among the general public of the problem of child abuse. A child abuse unit has also been set up by the Police Department which operates on a 24-hour basis.

149. A Shelter for Women and Children in Distress Trust Fund has been set up with a view to providing temporary shelter to women and children victims of abuse and family problems. The shelter provides a temporary refuge to women away from conflictual family environments and to children who are abused, battered, neglected or ill-treated by parents or guardians. Moreover, the shelter provides a measure of social reintegration for the children placed there.

150. Greater emphasis will be placed in the future upon preventing delinquency through reaching out to children at risk. High standards of professionalism will be required and applied in caring for delinquents.

D. Children in situations of exploitation

151. In Mauritius, enforcement of the legislation with regard to child labour falls under the aegis of the Ministry of Labour and Industrial Relations. The Ministry has been responsible for the ratification of the ILO Minimum Age Convention, 1973 (No. 138) which calls for the abolition of child labour, and hence, observance and implementation of that Convention.

152. The Labour Act of 1975 provides for minimum wages for employment and regulates working conditions. A copy of the Act is annexed (Annex XI). Under this Act, it is illegal to enter into an employment agreement with a person under 15 years old. It is to be noted that under this Act a person between the ages of 15 and 18 years is considered to be a young person, and as such is entitled to gainful employment. A child under the age of 15 cannot be employed, even as an apprentice.

153. It is illegal to employ a young person in work which is harmful to health, dangerous, or otherwise unsuitable for him. There exists a potential danger of exploitation in apprenticeship situations and the legislation is enforced systematically out by the Ministry of Labour and Industrial Relations. The nine-year compulsory primary school system as proposed in the Master Plan for Education will provide a means to combat exploitation of child labour since children will leave primary school at the age of 15.

154. Children have long participated in economic activities in the country although the employment of children and young persons is governed by the 1975 Labour Act, which prohibits the employment of children under 15. The findings of the 1990 census confirm the existence of working children, who constituted 0.7 per cent of the working population.

155. According to a survey carried out by the UNICEF office in Mauritius, the main occupational areas involving children are: street trading of food and inexpensive assorted goods; car washing and servicing; load handling; agriculture and fishing; domestic work; work in shops and restaurants. Surveys indicated that although children work 8 hours per day on an average, there are a few cases of children working up to 12 hours per day. As no work regulations for children exist, children enjoy no leave facilities. Moreover, being unskilled workers, they are more at risk from accidents and are vulnerable to ill-treatment on the part of their employers.

156. The implementation of the Master Plan for Education, as well as the introduction of several measures to reduce school drop-out rates, will contribute towards a reduction in child labour. Another measure which will lead to that end is an increase in vocational training which will be effected by the Industrial and Vocational Training Board (IVTB), a corporate body which promotes and develops training in the country; the IVTB prepares CPE drop-outs, through a two to three year broad-based training, for entry into the world of work.

157. In the island of Rodrigues, the dependency of Mauritius, child labour is common, children working in the agricultural sector, in domestic service and in shops. Their conditions of work are often deplorable, and they often complain of bad treatment, insufficient leisure time and protracted delays in the reception of their wages. But the difference from Mauritian children lies in the fact that these children are helping their parents in their plantations, in keeping the cows, etc.

158. The Occupational Safety, Health and Welfare Act 1988, forbids the employment of young persons on a dangerous machine unless they have received appropriate training.

159. Inspections are regularly made on work sites by the Ministry of Labour, to ensure that the laws concerning children and young persons are being observed.

1. Drug abuse

160. Under the Child Protection Act no person has the right to sell liquor, rum or compounded spirits to a minor. The Dangerous Drugs Act stipulates that it is an offence for all persons including children to consume and indulge in trafficking in narcotic drugs and other psychotropic substances.

2. Sexual exploitation and sexual abuse

161. Section 14 of the Child Protection Act makes provision for a maximum fine of US $2,854 and imprisonment for a term not exceeding five years for any person who causes, incites or allows any child

(i) To be sexually abused by him or by another person;

(ii) To have access to a brothel; or

(iii) To engage in prostitution.

162. In the case of a victim who is mentally handicapped, the fine is still more severe, a maximum of US $4,281 and to imprisonment for a term not exceeding eight years.

163. The Child Protection Act further stipulates that "a child shall be deemed to be sexually abused where he has taken part as a willing or unwilling participant or observer in any act which is sexual in nature for the purposes of

(a) Another person's gratification;

(b) Any activity of pornographic, obscene or indecent nature; and

(c) Any other kind of exploitation by any person".

3. Sale, trafficking and abduction

164. Special provisions exist in the Child Protection Act regarding child trafficking. The penalty is the same as for sexual exploitation of children. No cases of sexual exploitation or child trafficking have as yet been recorded. However, the National Adoption Council is very vigilant on the latter issue as the sale of Mauritian children to foreigners could have been a phenomenon threatening intercountry adoption.